HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.10638 of 1998

Between

A.Koti Reddy ..Petitioner

AND

The Hon'ble Labour Court II, Hyderabad and others ..Respondents

:: JUDGMENT ::

20.4.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.10638 of 1998

Heard Sri B.H.R.Chowdhary, learned counsel for the petitioner. There is no representation on behalf of the respondent A.P.S.R.T.C.

The present writ petition has been instituted by a former Conductor of A.P.S.R.T.C. questioning the correctness of the Award passed by the Labour Court, Hyderabad in I.D.No.157 of 1993 on 5.2.1997. The writ petitioner while working as Conductor of A.P.S.R.T.C. has been subjected to disciplinary proceedings on the basis of certain allegations of ticket irregularities which have come to light pursuant to a check undertaken on 11.11.1971 of the bus conducted by him. The allegation was that he had failed to issue tickets to four passengers and that he had closed the statistical return against stage No.11 without completely issuing the tickets. Agreeing with the findings recorded by the Enquiry Officer, the petitioner had been removed from service as a measure of punishment. The departmental appeal preferred by him against the orders of removal was also rejected on 25.11.1972. He appears to have filed a mercy petition before the Chairman of the Managing Committee, A.P.S.R.T.C. on 4.1.1974 and it was also rejected and the decision was communicated through proceedings dated 27.3.1976 of the Deputy General Manager (Operations).

The explanation offered by the writ petitioner for not issuing the tickets that while he was taking care of the

unloading of the luggage, the passengers may have got into the bus, as a result of which he had not noticed their getting into the bus, on the face of it, cannot be accepted. As a Conductor of the bus, it is for the petitioner to keep noticing the total number of passengers, the bus is carrying, and has to wait till all of them have been issued with the tickets. The Public Sector Undertakings like the A.P.S.R.T.C. derive their income mainly on the sale of the tickets and collection of the correct fare from the passengers. With men of doubtful integrity and honesty around, no Corporation will be able to carry on its operations successfully. It will be impossible for rendering transport facilities by such a Corporation. The fact which can be taken note of is that the Public Sector Undertakings like the A.P.S.R.T.C. provide for necessary transportation facilities even on routes which are considered as uneconomical. Therefore, whatever little income the Corporation sought to draw and derive from the sale of tickets, has got to be meticulously carried out.

This apart, the writ petitioner has instituted the I.D. only in the year 1988 i.e. 16 years after he was removed from service in February, 1972. Obviously, the writ petitioner is not interested in prosecuting his claims with diligence and with promptitude. For sheer lack of diligence and promptness in prosecuting the claim, the I.D. deserves to be rejected. It is not open for any individual to sleep over his rights for long time and then suddenly wake up and start agitating about the rights after lapse of several years.

For these aforesaid reasons, the writ petition deserves to be dismissed and it is accordingly, dismissed, but however,

without costs.

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NOOTY RAMA MOHANA RAO.J.

20.4.2007
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